Who enforces the marijuana laws?

By Mike Forth

When Act 445 of 1971 went into effect on the 17th day of June, it not only provided South Carolina with a marijuana statute as liberal as any state in the Union, but also instituted the position of Commissioner of Narcotics and Controlled Substances, the occupant of which has recently been the cause of a substantial amount of friction between himself and the local narcotics police for his outspoken stance on the marijuana issue.

No other state may currently brag of a lesser penalty for first-time possession of marijuana than that provided by Act 445, better known as the South Carolina Uniform Controlled Substances Act. In the terminology of subsection b, of Section 29 of the act, "any person who violates this subsection with respect to twenty-eight grams or one ounce or less of marijuana or ten grams or less of hashish shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to imprisonment for a term not to exceed three months or a fine not to exceed one hundred dollars, or both."

Also included in the Uniform Controlled Substances Act is a progressive provision providing for a "right of expungement" in certain cases. Simply explained, in the words of Columbia Attorney Bob Moseley, "There's a provision in there which specifies that, if it's a first offense, and if it's for that quantity, and if the defendant is under 25 years old, the defendant will be allowed to plead guilty and pay his hundred dollar fine, and the judge will just put him on

probation. This provision, included mainly because so many high school and college students were being busted, knocks almost any mention of a marijuana arrest off of the record. The only place that anything is left after that happens is at the Bureau of Narcotics and Dangerous Drugs, but you couldn't check any records around the courthouse and find that it happened."

Perhaps it was to keep in line with the "liberal" tone of Act 445 that Donald "Ike" McLeese was appointed to fill the newly-instituted office of commissioner of narcotics and controlled substances. At 27, McLeese just does not look like the middle-aged, balding hard-ass you'd probably expect to find leading the state's fight against dangerous drugs. Still, he was probably as able as any man to fill the office of drug commissioner when he assumed the responsibility of coordinating all of the present State drug programs. Unfortunately, Act 445 granted the new drug commissioner no official authority to speak on behalf of the city and county narcotics departments. The act merely stated an obscure sort of desire to develop a cooperation, based on good will, between the drug commissioner and the city and county narcotics departments.

In a UPI interview on April 12, 1972, McLeese overstepped his authority as provided under the law. Apparently speaking for all of the state's narcotics personnel, he stated that marijuana possession in the state "isn't a big deal any longer." He also said, "Most police now tend to ignore the individual who uses only a small amount of marijuana for himself. Instead we're transferring our efforts against those persons who are pushing hard drugs such as heroin."

This statement caused the new drug commissioner to come under fire from the Columbia City Police Department, which has jurisdiction over the city narcotics police, and the Richland County Sheriff's Office, which has jurisdiction over the county narcotics police. Statements were issued by both of these departments which totally disagreed with McLeese's assertion that South Carolina law enforcement authorities were abandoning arrests and prosecution of marijuana smokers in favor of a stepped-up campaign against hard-core pushers.

Although McLeese still refuses to retract any of the assertions that he made in his original statement, he now contends that it does need a bit of clarification. In a recent interview, McLeese told me: "It's a matter of priorities more so than relaxing the drive on marijuana ... The state police, SLED in particular under Chief Strom's leadership, is concentrating its efforts on hard-core narcotics pushers. This is not to say they will not enforce the marijuana laws when they come to their attention."

When asked to comment on the discrepancy between his own position and the attitude of the local police toward marijuana, McLeese said, "I don't really think there is a discrepancy...Sheriff Powell and Lt. Dennis are charged with enforcing the laws as they are on the books. My department is charged with taking a broad overview of the entire situation.... Once you take a broad overview of the situation statewide, I think it leads you to draw a few conclusions that perhaps you would not draw as Sheriff of Richland County or chief of the Columbia narcotics squad."

"As commissioner of narcotics, I certainly could not give approval to the usage of marijuana as long as it is against the law," said McLeese. When asked if he would personally like to see the marijuana law changed, he said, "I have mixed emotions, quite frankly. I think an analogy can be drawn between the debate over marijuana and the prohibition of alcohol some years ago...but, at the same time, it frightens me to think what might happen if marijuana were legalized, and consequently put into the hands of those people who were psychologically immature, not prepared for its use." McLeese also said that he would not like to see marijuana cases tried in a magistrate's court on account of the fact that several cases have come to his attention in recent weeks which, he felt, were mismanaged in magistrate's court. (In order for a case to be tried in magistrate's court, the crime must not carry a maximum penalty of more than 100 dollars and 30 days imprisonment. Since marijuana law violations carry the 90-day maximum penalty, no marijuana cases are currently supposed to be tried in magistrate's court.)

Contrasting to the views about marijuana expressed by McLeese are the views expressed by Lt. John E. Dennis, head of the Columbia Police Department's Narcotics and Vice Squad. He is the person principally responsible for coordinating and conducting most of the busts for possession, use and sale of marijuana within the city limits of Columbia.

Two days after McLeese's original statement, Dennis registered his protest to the drug commissioner's comments when he said, "I'd like to put the record straight that we will continue to make arrests for these violations, and... we will continue to do so as long as the law is on the books."

In a more recent interview, Dennis suggested that the reason that a discrepancy exists between his department and the new drug commissioner was that "Mr. McLeese has never been in law enforcement." One can detect more than a little bit of resentment for the drug commissioner in Dennis's voice when he says, "As far as I'm concerned, Mr. McLeese doesn't tell me how to enforce the law. I work for the Chief of Police..."

Dennis comes across as a stocky but robust, sgt. Joe Friday - type of cop. Seated behind a large desk in his dark wood-panelled office, he is sometimes an outspoken leader of the city police's war against marijuana. When he speaks in a slightly choppy but forceful manner, he has an air of certainty in his voice that lets you know that he sincerely believes in what he says. And that he knows he is right.

Probably best remembered for the busting of 21 people for possession of marijuana at the February 26 Uriah Heep-Cactus concert at Township Auditorium, Dennis is firmly opposed to any endorsement of the use of marijuana. "The way I feel about marijuana is that it is not up to me to change the law, which I wouldn't if I could. If I was in the position, I certainly would not. It is up to the legislators to change the law, and until they change it, we are going to do what we are instructed to do by the Chief of Police..."

Although he claims that he would not change the law regulating marijuana if he could, Dennis also says he would like to see marijuana possession cases tried in magistrate's court. "If it was in my discretion, marijuana people would be arrested for using marijuana, but they would be tried in magistrate's court and

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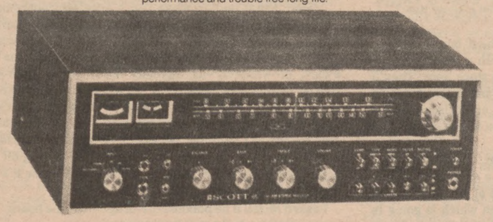

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Lizi and the Cabaret

"... Berlin becomes a hideous, nightmare city hiding behind a crumbling veneer of sanity..."

Since ancient times, theatre has been used quite effectively as a propaganda tool for left and right-wing groups alike. Pantomime, slapstick, burlesque, puppetry, music and dance--all have contributed to revolution, revolt, violence and chaos.

And, to some extent, a Berlin cabaret show in the 1920's was very much just a combination of these popular forms of entertainment. At the same time, it was a vulgarization of these forms.

According to one historian, Berlin in the late '20's was a city "...feverish with new ideas in atonal music, Eisensteinian physics, Freudian psychoanalysis, expressionist art, Bauhaus architecture, Brechtian theatre, not to mention kinky sex and despairing occultism, all pursued against a counterpoint of political riot and assassination."

Naturally, a cabaret show would reflect this activity. The most popular entertainment in Germany, cabaret shows used ideas from "life" to spice up the comedy and song-and dance.

"The Damned" was an intellectual approach to Germany during the last days of the Weimer Republic. The movie properly reflected the perversions, violence, and political chaos of the time, but it still remained a coldly uninvolved portrait of German life.

Now, "Cabaret" adds the "art" and emotion to the perversion and politics, and Berlin becomes a hideous, nightmare city hiding behind a crumbling veneer of sanity.

"Cabaret" is a super-slick Hollywood version of a super-slick Broadway musical version of a dramatic version of British writer's Christopher Isherwood's memoirs. Somehow, in spite of or because of this evolutionary process, the movie stands as the best screen musical in quite some time and as a damned good film--an artistic success.

Most musicals--on film or stage--suffer from being constructed around a set formula. "Love"--especially among the young and or down-and-out--"conquers all" is a "universal" truth is most musicals. Plots are thin, characters are cardboard, and music is pedestrian, at best.

"Cabaret" has escaped the mold. It is about love, for sure, but in Berlin in the '20's, love couldn't conquer the man or woman a person was sleeping with--much less the problems of a politically and morally confused people who were trying to forget, not correct, past mistakes.

The Socialists, the Communists, the Nazis--what were the good Germans to do? Their capital city was ablaze with ideas and revolution and sex and unnameable perversions. Dogmatists grappled for the people's support without giving an alternative--just an incentive--for more violence and riot and ideas.

"What turned out to be most significant about the era...",however, "... is not its spectacular vulgarity and lust, or the brilliance of its art, but its sheer inattention to what was really happening..."--the struggle between these opposing ideas.

The movie centers around a love affair between a young American with dreams of becoming a superstar and a stuffy young Englishmen fresh from Oxford with a degree in German. The film uses the two to reflect Berlin's troubled society.

Sally Bowles works in the cabaret. In fact, she is the biggest talent at the Kit Kat Klub, but a third-rate talent at best. She is a free and vibrant young woman who, through growing up too fast, has accepted a strange and unattached lifestyle to try to create some emotion in her reality and herself.

Michael is a young scholar and an idealist who comes to Berlin simply because he has studied German. He wants to teach English there -- to bring the two cultures together. He is sadly out of place in Berlin, however, because he is too sensitive, too gentle, and too concerned to accept what Berlin is offering. From his arrival, he is horrified by the perversions, the chaos, and the anti-Semitism.

Sally and Michael's romance is quite understandable -- both are lonely and poor -- but improbable. Sally is a dynamo of energy and desire. Michael is virginal and tender. She provokes the affair and controls it from the beginning. And slowly, Michael's high ideals begin to fade as he is drawn into the world of cabaret.

At the cabaret, the two meet Alex, a rich, eccentric, young man. What happens, simply, is that both Sally and Michael go to bed with Alex after a wild spree. Alex grows tired of the arrangement and leaves. Sally, however, has become pregnant and has an abortion. Michael leaves Berlin and Sally continues working in the cabaret.

The romantic plot, agreed, is quite sparse. It contains enough kinks and deviations, however, to allow the formula to create true dramatic situations and tensions for the characters. Because of the tension in the love triangle, the characters become more than the usual stick figures found in musicals.

The reason for this is that the characters have all of Berlin society to integrate into the storyline, and Berlin society of the time was filled with many wonderful and horrifying things -- the stuff which makes life interesting.

The simple plot also works because, like everything in Berlin then, it is controlled -- quite beautifully -- by the cabaret. The important difference between "Cabaret" and the usual musical is the presentation and scope of the music.

Basically, "Cabaret" is an inventive arrangement of old forms. The film is a play within a night club act...a cabaret performance with scenes from "real life" thrown in.

And what a life it is! Murders, beatings, and terrorism in the streets are all part of Berlin life. As the love triangle between Sally, Michael, and Alex unfolds, the reality of growing hate -- Fascism, if you will -- also buds, blossoms, and ripens as an alternative to Communism, Socialism, and Judaism.

When the cabaret -- the reflector instigator of popular opinion and ideas -- begins embracing this new movement, the horrifying realities of past German history cannot be too easily overlooked.

All the music, except for one song, takes place as part of the cabaret act. In the cabaret, it is used to comment on either the love triangle or Berlin's chaotic politics. The songs complement or satirize the story line, but they also allow the film a deeper understanding of the Nazi success. For in "Cabaret," the music has a purpose and the purpose is a nightmare of violence and hate.

The other song in the movie is a rousing anthem titled "Tommorow Belongs to Me" that is sung by a young Nazi trooper to a group of diners. The young man performs the song with great pride and feeling. The children in the group pick up on the words, then the young people, and then Hitler's "struggle" is almost over.

Fred Ebb and John Kander did the lyrics and music for the cabaret songs. The songs are pleasant entertainment -- unobtrusively witty -- full of the cynicism, perversions, and mounting problems on which the Nazis were capitalizing. They entertain as music, yet tease and horrify as propaganda -- their primary reason for being used at the Kit Kat Klub.

The screenplay by Jay Allen is from Joe Masteroff's Broadway script which was based on John Van Druten's play "I Am a Camera" which was based on Isherwood's memoirs. Allen's script is literate, witty, comprehensible, and quite candid. He gives speeches to his characters that have meaning. His dialogue is more than fluff to pad the silence between musical numbers.

What really sets "Cabaret" well above the usual Hollywood production is the performing talent which makes it such a rousing, moving, yet frightening success. Good screen performances and an imaginative directorial hand give the film a perfectionism which is astounding.

Liza Minnelli as Sally Bowles gives a performance which is almost too perfect. Sally is a third-rate talent; Minnelli is a giant superstar. As an actress, she possesses a rare (for her youth) sense of dramatic timing which allows for her to make Sally an individual through an exact speech pattern, an exact gesture or nervous habit. She can convincibly portray Sally Bowles and does a damned good job.

What she can't control, fortunately for her audience, is her quality. In her musical numbers, she unleashes a dynamo of song and dance which would have been impossible for Sally to attempt.

In each musical number, Minnelli grabs the audience by the collar and shouts: "I'm really going to knock your teeth out this time." And each song and dance routine is better than the one before until she sings the rousing "Cabaret", and the simple plea for people to come to the club -- with its hate and Nazism -- becomes a chilling thrill rushing up through the spinal cord.

Joel Grey as the Kit Kat Emcee is the other "star" of the film. The emcee at the club introduces the acts, sings, dances, and jokes. The people come to the cabaret and listen to him. He runs the cabaret: "Life is a Cabaret!". Gradually, he builds his control over the people until Nazism is THE way of life.

Grey is a small fellow who dances like hell. He performs on stage most of the time. Through his songs and dances and jokes and welcome addresses, Grey presents a character with a definite, frightening presence, controlling the film just as the emcee controlled the audience. His flashy performance forces the film to revolve around him.

Michael York and Helmut Griem as Michael and Alex give sturdy performances in roles which don't match the dramatic intensity of Sally's or the emcee's. York is quite funny as the sexually and worldly inexperienced lover who becomes infatuated with Sally and sex and horrified by the Nazi terrorism. Griem gives the customary role of a young eccentric playboy through his charming acceptance of his seductions and through his sincere outrage with the Nazis.

Marisa Berenson and Fritz Wepper give excellent performances in supporting roles designed to show the influence of the Nazis in Berlin. Both play Jews who are in love, but frightened by the constant harassment and chaos around them. Their roles are important because they help to give Sally and Michael definite feelings about the Nazi movement.

Bob Fosse, the film's director, also deserves much credit. Fosse worked as a choreographer before directing his first film -- "Sweet Charity", noted more for its choreography than for its quality.

In "Cabaret," Fosse is again able to display his talents as a dancer and emerge as a director of great integrity and invention. He manages the love triangle admirably, keeping his actors tightly in rein. His subtle handling of the violence theme is also quite remarkable. He downplays any actual act of violence, preferring to bring out the terror and hate through the propagandistic cabaret and with the singing of "Tomorrow Belongs to Me." He controls the feeling of horror which the cabaret presents -- never springing too much on the audience at one time.

In the cabaret sequences, he has staged some of the most dazzling dance seen on film. Ramming his lens everywhere, he comes up with mad rushes of film -- full of song and dance -- which capture beautifully the spirit of cabaret -- with all its seediness and perversion. Even more remarkably, he allows his music and dances to control the film, and he knows when enough is enough. He never allows the gaiety of the cabaret to fail as either entertainment or propaganda.

Fosse has used ideas instead of pablum to create a magic world of cabarets, Berlin, violence, and kinkiness. And he has also breathed a new freshness into a fading form of popular entertainment. He is the only film maker today who has instilled "purpose" into musical comedy or vitality.

The feeling of "Cabaret" is hard to explain. It could only happen at a time when people are too personalized with their own struggles to care about the external world. At a time when too many "good Germans" were saying "Include me out", anything could have happened. That Hitler was a product of "Cabaret" is only too sad a fact.

With taste and frankness, "Cabaret" explores history and presents an unpleasant verdict -- "Life is a cabaret!". A person is either on the stage or sitting at a front-row table. If he is a performer, he must do what the director says or quit the show. If he is the

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